



PATENT APPLICATION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on November 29, 2004.

*Stephen A. Shuker*  
Stephen A. Shuker, Reg. No. 43,924

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sharma et al.

Examiner: J. E. Russel

Serial No. 10/049,718

Group Art Unit: 1654

Filed: February 13, 2002

For: Melanocortin Metallopeptide Constructs,  
Combinatorial Libraries and Applications

*Fee  
purpose  
only*

AMENDMENT AND RESPONSE

Commissioner for Patents  
Box Non-Fee Amendment  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action dated June 28, 2004, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 8 of this paper.

Remarks begin on page 19 of this paper.

12/16/2004 DMILLIA4 00000001 134213 10049718

01 FC:2202

126.00 DA

Adjusted Date: 07/08/2005 SDIRETAT  
12/16/04 DMILLIA4 00000001 134213 10049718  
01 FC:2202 126.00 CR

FEE VALUE ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
13	4213
FEE CODE	VALUE FURNISHED
2202	126.00

(14)

S-31-05

DEP &amp; KER

Room 87

PATENT

Practitioner's Docket No. 70025-02-US02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

- ☒ In re application of: Shubh D. Sharma et al. JUN -3 PM 9:30  
 Application No.: 10 /049,718 Group No.: 1654  
 Filed: 02/13/2002 Examiner: Jeffrey E. Russel  
 For: Metanocortin Metallopeptide Constructs, Combinatorial Libraries  
 and Applications Issued:  
☐ Patent:

\*NOTE: Insert name(s) of inventor(s) and title also for patent. Where request is with respect to a maintenance fee payment also insert application number and filing date and add Mail Stop 16 to address.

Mail Stop 16  
 Director of the U.S. Patent and Trademark Office  
 P.O. Box 1450,  
 Alexandria, VA 22313-1450

REQUEST FOR REFUND  
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

NOTE: 37 C.F.R. § 1.26 Refunds.

- (a) The Commissioner may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent or trademark filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts. If a party paying a fee or requesting a refund does not provide the banking information necessary for making refunds by electronic funds transfer (31 U.S.C. 3332 and 31 CFR part 208), or instruct the Office that refunds are to be credited to a deposit account, the Commissioner may require such information, or use the banking information on the payment instrument to make a refund. Any refund of a fee paid by credit card will be by a credit to the credit card account to which the fee was charged.
- (b) Any request for refund must be filed within two years from the date the fee was paid, except as otherwise provided in this paragraph or in § 1.28(a). If the Office charges a deposit account by an amount other than an amount specifically indicated in an authorization (§ 1.25(b)), any request for refund based upon such charge must be filed within two years from the date of the deposit account statement indicating such charge, and include a copy of that deposit account statement. The time periods set forth in this paragraph are not extendable.

## EXPRESS MAILING UNDER 37 C.F.R. § 1.10\*

(Express Mail label number is mandatory.)  
 (Express Mail certification is optional.)

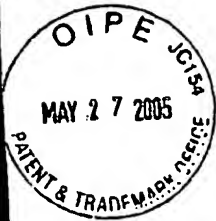
I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date May 27, 2005, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. EV669084165US

Brigitte Snider, Paralegal  
 (type or print name of person mailing paper)

Signature of person certifying

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
 "Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.  
 (Request for Refund (Improper Charge of Credit Card Account) [19-4]—page 1 of 3)



## I. REFUND REQUEST

This is a request for a refund, with respect to the charge to Deposit Account  
13-4213, shown on the statement dated 12/16/2004, for the  
above-identified

- ☒ application.  
☐ patent.

(check the following, if desired, and supply copy of statement)

- ☐ A copy of the monthly statement, in which the error referred to occurs,  
accompanies this request.

## II. FEES CHARGED FOR WHICH REFUND REQUESTED

AMOUNT OF  
REFUND  
REQUESTED

- ☐ Basic fee  
☐ Examination fee  
☐ Search fee  
☐ Additional fee for specification and drawings  
☐ Surcharge for filing the basic filing fee on a date later  
than the filing date of the application  
(37 C.F.R. § 1.16(e))

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

and/or

- ☐ Surcharge for filing the oath or declaration on a date  
later than the filing date of the application  
(37 C.F.R. § 1.16(e))  
☐ Extension of term  
☐ first month  
☐ second month  
☐ third month  
☐ fourth month  
☐ fifth month  
☒ Excess claims  
☐ Issue fee  
☐ Petition fee  
☐ Patent maintenance fee  
☐ first maintenance fee  
☐ second maintenance fee  
☐ third maintenance fee  
☐ Patent maintenance fee surcharge  
☐ Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\$126.00

\$126.00

TOTAL REFUND REQUESTED

(Request for Refund (Improper Charge of Credit Card Account) [19-4]—page 2 of 3)

### III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

On December 16, 2004 our PTO deposit account was charged \$126.00 for excess claims. We have reviewed our fee calculation transmittal of March 3, 2005 (copy is enclosed) and believe the charge is not warranted. We request a refund of \$126.00 for the fee charged for excess claims.

### IV. MANNER OF REFUND

Please make the refund by

- ☒ Crediting Deposit Account No. 13-4213  
☐ Crediting applicant's credit card as shown on the attached credit card authorization form PTO-2038.


**WARNING:** Credit card information should not be included on this form as it may become public.

- ☐ Sending refund check to applicant  
☐ By electronic funds transfer using the banking information on the payment instrument.

Reg. No.: 43,924

Tel. No.: ( 505 ) 998-6130

Customer No.: 005179

  
SIGNATURE OF PRACTITIONER

Stephen A. Slusher  
(type or print name of practitioner)  
PEACOCK MYERS & ADAMS, P.C.  
P.O. Box 26927  
P.O. Address

Albuquerque, NM 87125-6927



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Shubh D. SHARMA et al.  
Title: Melanocortin Metallopeptide Constructs, Combinatorial Libraries and Applications  
Serial No.: 10/049,718  
Docket No.: 70025-02-US02  
Filed: February 13, 2002  
Group Art Unit: 1654  
Examiner: Jeffrey E. Russel

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

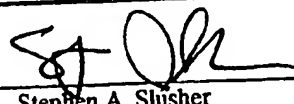
We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard and this transmittal document.
- ☒ An Amendment and Response AFTER FINAL (18 Pages).  
No Fee check
- ☒ Inventor Declaration (37 CFR 1.132) (3 pgs.).

If not provided in a separate paper filed herewith, If the additional fee is required due to changes to the claims, the fee has been calculated as follows:

CLAIMS AS AMENDED						
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Present Extra	Rate	Fee
TOTAL CLAIMS	14	-	50	0	x 25.00 =	\$0.00
INDEPENDENT CLAIMS	1	-	5	0	x 100.00 =	\$0.00
[ ] MULTIPLE DEPENDENT CLAIMS PRESENTED						\$0.00
TOTAL						\$0.00

PEACOCK MYERS & ADAMS, P.C.  
Customer Number: 005179

By   
Stephen A. Slusher  
Reg. No. 43,924

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 3<sup>rd</sup> day of March, 2005.

Stephen A. Slusher, Reg. No. 43,924  
Name:

  
Signature

Deposit Account Statement



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United States  
Patent and  
Trademark Office

**Deposit Account Statement**

Requested Statement Month: December 2004,  
Deposit Account Number: 134213  
Name: PEACOCK MYERS AND ADAMS, P.C.  
Attention: DEBORAH A. PEACOCK  
Address: P. O. BOX 26927  
City: ALBUQUERQUE  
State: NM  
Zip: 87125-6927  
Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
12/01	13	6125298		9204	-\$1,070.00	\$2,648.00
12/01	24	US0425749	70025-9904	8021	\$40.00	\$2,608.00
12/01	490	2206653	70025-9902	7205	\$100.00	\$2,508.00
12/01	491	2206653	70025-9902	7208	\$200.00	\$2,308.00
12/03	160	6135298		1551	\$940.00	\$1,368.00
12/03	161	6135298		1554	\$130.00	\$1,238.00
12/06	31	E-REPLENISHMENT		9203	-\$1,800.00	\$3,038.00
12/06	41	0115320936		8014	\$25.00	\$3,013.00
12/07	154	60617773		8021	\$40.00	\$2,973.00
12/07	633	1866060	41160-9201	7205	\$100.00	\$2,873.00
12/07	634	1866060	41160-9201	7201	\$400.00	\$2,473.00
12/08	24	E-REPLENISHMENT		9203	-\$1,200.00	\$3,673.00
12/08	475	78528574	30817-1009-FIBRATIDE	7001	\$670.00	\$3,003.00
12/09	43	11006079	31128-US-116	2201	\$9.00	\$2,994.00
12/09	45	11006079	31128-US-116	2203	\$150.00	\$2,844.00
12/09	200	10945507	31158-UT	8007	\$20.00	\$2,824.00
12/09	240	PCT/US04/40457	31955-PCT	1702	\$660.00	\$2,164.00
12/09	242	PCT/US04/40457	31955-PCT	8007	\$40.00	\$2,124.00
12/09	470	60560935		8021	\$40.00	\$2,084.00
12/13	146	60525637	30243-23	8007	\$20.00	\$2,064.00
12/15	20	78239560	31508-1701	7403	\$100.00	\$1,964.00
12/15	1388	78239560	31508-1701	7002	\$100.00	\$1,864.00
12/16	1	10049718	70025-02-US0	2202	\$126.00	\$1,738.00
12/16	44	E-REPLENISHMENT		9203	-\$1,400.00	\$3,138.00
12/16	102	10401479	7004-9601	2501	\$15.00	\$3,123.00
12/16	673	60477509	31719-1001-UT	8021	\$40.00	\$3,083.00
12/16	674	10864210	31719-1001-UT	8021	\$40.00	\$3,043.00
12/16	675	PCT/US04/27059	31719-1001-UT	8021	\$40.00	\$3,003.00
12/17	406	PCT/US04/41522	31706-1001-PCT	1702	\$492.00	\$2,511.00

12/17 408	PCT/US04/41522	31706-1001-PCT	1703	\$168.00	\$2,343.00
12/17 409	PCT/US04/41522	31706-1001-PCT	8007	\$40.00	\$2,303.00
12/20 7	5635054		1552	\$1,075.00	\$1,228.00
12/20 18	10910740	30822-US-2-CIP	2202	\$18.00	\$1,210.00
12/20 34	E-REPLENISHMENT		9203	-\$1,900.00	\$3,110.00
12/20 277	76159087	31011-1001	7003	\$100.00	\$3,010.00
12/21 650	60624089	37000-0419	8021	\$40.00	\$2,970.00
12/22 50	10796329		9204	-\$108.00	\$3,078.00
12/22 81	10043006	37000UTO101	2202	-\$72.00	\$3,150.00
12/22 124	10761889	70025-9902	8021	\$80.00	\$3,070.00
12/22 253	60619855	32008-1001	8021	\$40.00	\$3,030.00
12/22 590	78536554	31908-1001	7001	\$335.00	\$2,695.00
12/23 534	10861005		8021	\$40.00	\$2,655.00
12/27 42	E-REPLENISHMENT		9203	-\$1,100.00	\$3,755.00
12/27 298	78537949	31595-1001	7001	\$335.00	\$3,420.00
12/27 739	78538263		7001	\$335.00	\$3,085.00
12/27 740	78538265	31908-1001	7001	\$335.00	\$2,750.00
12/27 743	78538268	31908-1001	7001	\$335.00	\$2,415.00
12/27 745	78538270	31908-1001	7001	\$335.00	\$2,080.00
12/29 54	US0411083	31162-1011	8021	\$40.00	\$2,040.00
12/29 104	60566714		8021	\$40.00	\$2,000.00

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$1,578.00	\$8,228.00	\$8,650.00	\$2,000.00

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